

RESOLUTION NO. 4 5 8 2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RECEIVING A PETITION FOR VACATION AND SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF RIGHT-OF-WAY IN THE VICINITY OF 18TH STREET NE BETWEEN I STREET NE AND M STREET NE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington has received a petition signed by owners of at least two-thirds (2/3) of the property abutting right-of-way in the vicinity of 18th Street NE between I Street NE and M Street NE and adjacent to Parcel No. 0001000083, within the City of Auburn, Washington, requesting that the same be vacated; and,

WHEREAS, pursuant to Section 35.79.010 of the Revised Code of Washington, a hearing on such vacation shall be set by Resolution, with the date of such hearing being not more than sixty (60) days nor less than twenty (20) days after the date of passage of such Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That a hearing on the vacation of the right-of-way in the vicinity of 18th Street NE between I Street NE and M Street NE and adjacent to Parcel No. 0001000083, within the City of Auburn, Washington, requesting that the same be vacated; legally described as follows:

THE EAST 25 FEET OF THE SOUTH 147.64 FEET OF THE NORTH 172.64 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTH HALF OF WILLIAM H. BRANNON DONATION LAND CLAIM NO. 37 IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID DONATION LAND CLAIM WHICH IS 1485 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE SOUTH LINE THEREOF, 625.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST 814.95 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID DONATION LAND CLAIM 353.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID DONATION CLAIM 828.47 FEET; THENCE SOUTHEASTERLY 354 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 3, 679 SQUARE FEET, 0.08 ACRES.

and as shown on the survey, a copy of which is attached hereto, marked as Exhibit "A" and incorporated herein by this reference, is hereby set for 7:30 p.m. on the 3rd day of May, 2010, at the City Council Chambers at 25 West Main Street, Auburn, Washington, 98001, with all persons wishing to speak to the vacation at the public hearing being invited to attend.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including posting notice of such public hearing as required by State law and City Ordinance.

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

DATED and SIGNED this _____ day of _____, 2010.

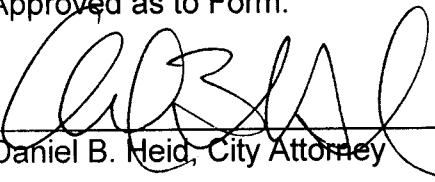
CITY OF AUBURN

PETER B. LEWIS
Mayor

Attest:

Danielle E. Daskam, City Clerk

Approved as to Form:



Daniel B. Heid, City Attorney

NE¼ SECTION 7, TOWNSHIP 21 N, RANGE 5 E, W.M.
CITY OF AUBURN, KING COUNTY, WASHINGTON

PROPOSED RIGHT-OF-WAY VACATION

THIS IS NOT A BOUNDARY SURVEY. NO MONUMENTS WERE FOUND OR SET. ALL BOUNDARY AND RIGHT-OF-WAY INFORMATION SHOWN HEREON IS BASED ON DEEDS AND BEST AVAILABLE SURVEYS OF RECORD. ALL BEARINGS AND DISTANCES SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE ONLY.

PLAT OF MEADOW BROOKE ESTATES - VOL. 122, P. 83-84
RECORD OF SURVEY - VOL. 86, P. 268

PARCEL NO. 0001000083 - KING COUNTY HOUSING AUTHORITY

THAT PORTION OF THE SOUTH HALF OF WILLIAM H. BRANNON DONATION LAND CLAIM NO. 37 IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID DONATION LAND CLAIM WHICH IS 1485 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE SOUTH LINE THEREOF, 625.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST 814.96 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID DONATION LAND CLAIM 353.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID DONATION CLAIM 828.47 FEET; THENCE SOUTHEASTERLY 354 MEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NO. 6025231, RECORDS OF KING COUNTY, WASHINGTON.

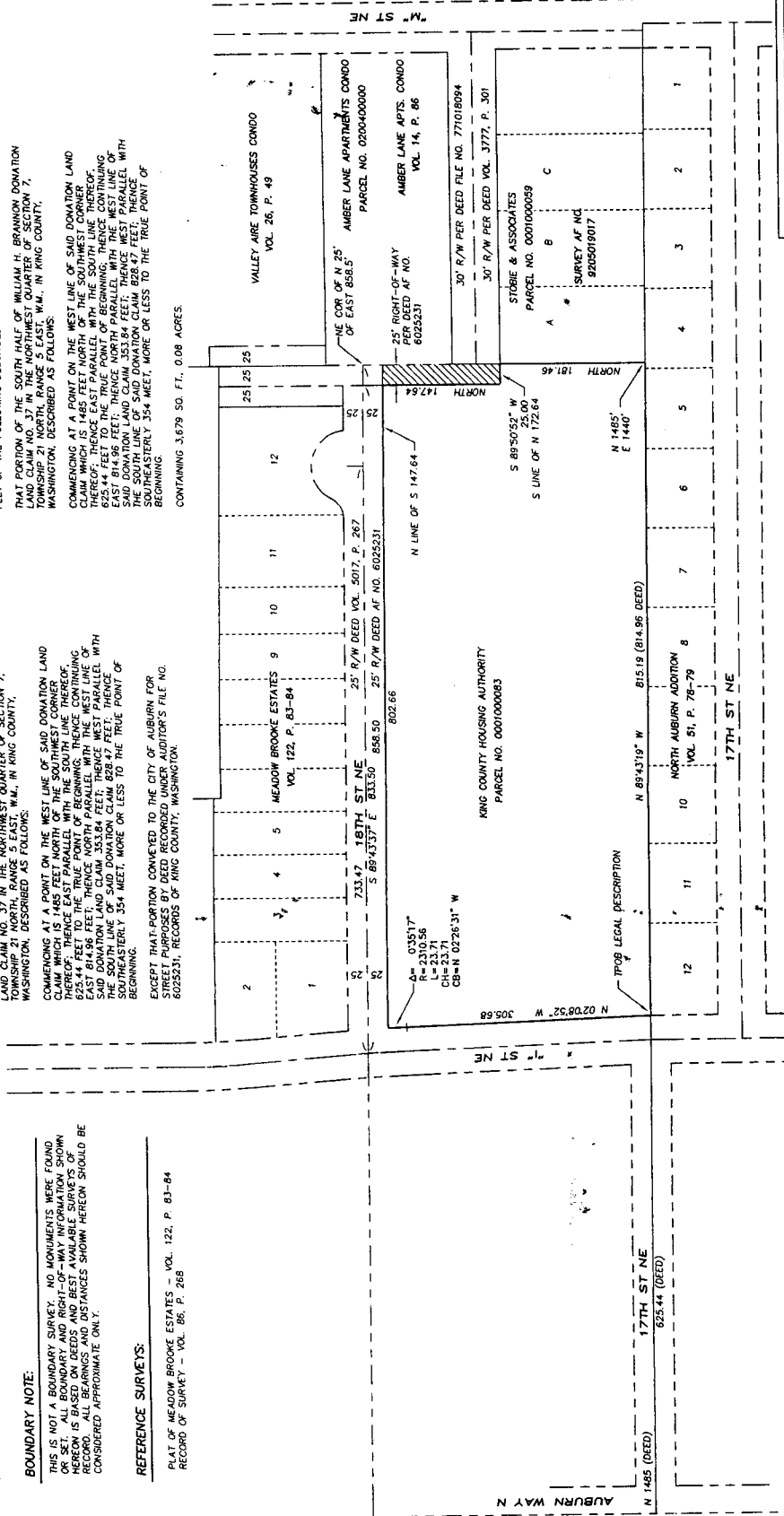
PROPOSED RIGHT-OF-WAY VACATION

THE EAST 25 FEET OF THE SOUTH 147.64 FEET OF THE NORTH 172.64 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTH HALF OF WILLIAM H. BRANNON DONATION
LAND CLAIM NO. 37 IN THE NORTHWEST QUARTER OF SECTION 7,
TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY,
WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID DONATION LAND CLAIM WHICH IS 1485 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE SOUTH LINE THEREOF, 625.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST 814.96 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID DONATION LAND CLAIM 353.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID DONATION CLAIM 828.47 FEET; THENCE SOUTHEASTERLY 354 MEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 3.679 SQ. FT. 0.08 ACRES.



A 5x5 grid. In the second row, second column, there is a circle containing the number 7. In the first row, second column, there is an 'X'.

JOB No.: 409033
DWG NAME: S40903
DRAWN BY: TJS
CHECKED BY: JFC
DATE: 12/21/09

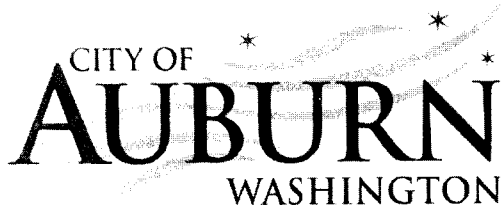
FOR:
KING COUNTY HOUSING AUTHORITY
SW NE 7 21N 5E.W.M.

QTR-QTR	QTR	SECTION	TWP.	RANGE
KING COUNTY WASHINGTON				

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY
MADE BY ME OR UNDER MY DIRECTION AT THE
REQUEST OF KING COUNTY HOUSING
AUTHORITY, IN DEC., 2009.

K O'ILL CONSULTING ENGINEERS
4200 6TH AVENUE SE, SUITE 309
LACEY, WASHINGTON 98503
(360) 292-7230 FAX (360) 292-7231

Resolution No 4582



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V3-09

Applicant: King County Housing Authority

Property Location: Right-of-Way in the vicinity of 18th Street NE between I Street NE and M Street NE.

Description of right-of-way:

This proposed area of vacation consists of unopened right-of-way that joins two portions of 18th Street NE between I St NE and M St NE. This portion of ROW is 3,691 square feet. It is bordered on the west and south sides by King County Housing Authority project known as Burndale Apartments, parcel number 0001000083. The east side is bordered by 18th St NE and Amber Lane Apartment Condo's, parcel number 0200400000. The north side is bordered by 18th St NE.

The ROW was initially dedicated to the City of Auburn from Mardel Investment Company, Incorporated through a Quit Claim Deed, recorded in Vol 4783 of Deeds Pg 590, King County Recording Number 6025231, and recorded on May 6, 1966, "for and in consideration of One and No/100 Dollars". This ROW came out of a larger parcel #0001000083 that was owned by Mardel Investment Company and is now known as the King County Housing Authority Burndale Apartments.

Proposal:

The Applicant proposes that the City vacate the above described right-of-way. The Applicant is planning a 2500 to 3000 square foot community building for the residents of the Burndale property to be located at the northeast corner of the property. The proposed vacation and subsequent acquisition of the adjacent right-of-way would allow the applicant to position the new community building farther from the existing housing units and possibly widen the building for a more efficient layout of the interior.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- This street vacation decreases the Right-of-Way maintenance obligation of the City.
- The vacated area will be subject to property taxes.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, Qwest, Verizon and city staff.

1. PSE –“Puget Sound Energy has reviewed the site and found no existing gas or electric facilities are located within the proposed vacate area as per the City’s map and right-of-way description. Puget Sound Energy has no further matters of interest pertaining to the referenced portion of said ROW.”
2. Qwest – No Comments.
3. Comcast – “Comcast does not appear to have any facilities in the proposed vacated area and should not be affected by the street vacation.”
4. Verizon – No comments
5. Water – No comments
6. Sewer – No comments.
7. Storm – No comments
8. Transportation – No comments
9. Building – No comments
10. Planning – No comments
11. Parks – No comments
12. Fire – No comments
13. Police – No comments
14. Streets – No comments
15. Information Services – No comments
16. General Review – Any future development or building over the vacated ROW will require that the developer/owner vacate all easements and relocate all affected utilities prior to construction.

Assessed Value:

ACC 12.48 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city’s expense.”

RCW 35.79.030 states the vacation “shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.”

The right-of-way was acquired through a Quit Claim Deed, recorded in Vol 4783 of Deeds Pg 590, King County Recording Number 6025231, and recorded on May 6, 1966.

An appraisal of the subject right-of-way was conducted by a licensed appraiser and submitted to the city by the applicant. The full appraised value of the right-of-way was stated to be \$73,580.00.

Recommendation:

1. Staff recommends that compensation for the value of the right-of-way not be required since the right-of-way was originally acquired through a Quit Claim Deed for street purposes at no cost to the City.

If compensation for the right-of-way is required by Council, Staff recommends that the full "Gross Value of the Right of Way Vacation" in the amount of \$73,580.00 as stated in the Property Valuation Report submitted by the applicant be required.